



CONFLICT MANAGEMENT PROGRAM
IN THE PHILIPPINES

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CONFLICT MANAGEMENT PROGRAM
Towards Transforming Conflicts into Manageable Disputes
Semi-Annual Report 01 January to 30 June 2006

This semi-annual report covers activities from January 1, 2006 to June 30, 2006 under the Conflict Management in the Philippines (CMP) Program of The Asia Foundation through a grant from the United States Agency for International Development (USAID) with grant number AID 492-G-00-03-00026-00. The grant covers the period from October 1, 2003 to September 30, 2006.

Background

In late 2002, The Asia Foundation supported a conflict survey in Mindanao on local residents' perceptions of conflict in the region. The results of the survey showed that while the Muslim-Christian conflict in Mindanao dominates the international and local press, clan violence (*rido*)¹ is actually more pertinent in the daily life of the people. Citizens are more concerned about the prevalence of clan conflict and its negative impact on their communities than the conflict between the state and rebel groups in Mindanao. These findings illustrated the complexity of conflicts in Mindanao, and served as a take-off point for the Foundation's efforts towards a deeper understanding of conflict dynamics. Building upon this initial research and drawing upon the Foundation's wealth of experience in peace-building through its governance and legal reform programs, the Foundation's conflict management program was developed.

The Asia Foundation's USAID-funded Conflict Management in the Philippines program uses multiple approaches to address two distinct types of conflict affecting the Philippines: **Endemic Clan Conflict** and **Community Conflicts over Natural Resources**. Given that conflict is inherent in the process of change and development, the program's goal is not to eliminate but to transform conflicts into manageable disputes and debates. The program accomplishes this through better knowledge of the dynamics of the specific conflict; enhanced conflict resolution mechanisms; improved communication channels within the affected communities and between government and community groups; and policy-oriented substantive discussions with inputs from key stakeholders.

¹ "*Rido*" is the Maranao language term for a clan feud. This is the term by which the phenomenon is most widely known, although it has equivalents in other languages of Muslim Mindanao.

Addressing Endemic Clan Conflict

In order to address clan conflict (*rido*) in Mindanao, the Foundation has supported in-depth diagnostic activities to understand the dynamics of such conflicts to help design and support strategic interventions to enable communities and government to effectively prevent and manage clan conflicts. After successfully conducting the coordinated study on *rido* and disseminating the findings, the challenge that lies ahead is to bridge the research results into institutions, policies, and actions in a strategic manner.

Highlights (1 January – 30 June 2006)

- With the assistance of the United Youth for Peace and Development (UNYPAD), two conflicting clans in Cotabato Province (in Mindanao) have finally agreed to end their longstanding *rido* (clan conflict) of 21 years. To celebrate its closure, a grand *kanduli* (thanksgiving-family reunion) is being organized in September. The grand *kanduli* will be a celebration involving members of the two clans, barangay officials, the central committees of Moro Islamic Liberation Front (MILF) and Moro National Liberation Front (MNLF), members of the International Monitoring Teams (IMT), and the provincial government. Talks are currently ongoing between the families and UNYPAD for the final arrangements.

There are several obstacles that have complicated the efforts of UNYPAD in facilitating a closure to the Tayuan-Mangansakan conflict. The first is the death of Tanny Tayuan, one of the council of elders of the Tayuan clan. The second is the discovery of a case filed by one of the clans in the formal courts which complicated the talks between the two families. UNYPAD managed to clear this issue by tracing the complaint (a case of theft/looting filed in the mid 1980s) and discovering that the complainant is a distant relative of the Tayuans who was already deceased. UNYPAD got the concurrence of both clans that the case will not affect the resolution of their conflict. The third and more serious obstacle was the Shariff Aguak incident which resulted in the recent armed hostilities in Maguindanao. On June 23, 2006, a bomb allegedly intended for Maguindanao Governor Datu Andal Ampatuan, Sr., exploded in Shariff Aguak town killing seven members of his convoy. This incident triggered the all-out hostilities between the Civilian Armed Forces Geographical Unit (CAFGU) and Civilian Volunteer Organization alleged to be under the control Governor Ampatuan on the one hand, and elements of the MILF's 105th Base Command on the other.

Unfortunately, in addition to the other damage, the fighting in the area delayed the peace talks between the Tayuan-Mangansakan families. For one thing, UNYPAD was actively involved in the relief operations after the hostilities and they necessarily focused on these efforts. However, in addition, among those killed by the explosion was a good friend of the governor, Ed Mangansakan. Ed Mangansakan was the recognized head of the Mangansakan clan and was UNYPAD's point person in resolving the Mangansakan and Tayuan conflict. Fortunately, before his death, Ed

Mangansakan already authorized his brother Najib to negotiate on behalf of their clan. According to UNYPAD, during the seven-day mourning period, members of both clans realized the need to push through with the settlement before other clan members suffered the same fate as Ed Mangansakan and Tanny Tayuan.

- On May 24 and 25, 2006, the Foundation, in collaboration with the Institute of Bangsamoro Studies, organized a "Conflict Management Training for Sustainable Peace in Mindanao" The two-day training was attended by 40 participants, while the opening ceremony was attended by 80 people coming from various NGOs. Dr. Karulzaman Askandar of the Southeast Asian Conflict Studies Network (SEACSN), based in Penang, Malaysia, served as the lead lecturer, while Prof. Abhoud Lingga of the Institute of Bangsamoro Studies and Dr. Susana Anayatin of the Department of Trade and Industry-ARMM gave lectures on conflict transformation and *rido*. The training provided participants with necessary skills to understand concepts on conflict and conflict management, other types of conflicts in Mindanao like *rido*, and varied approaches to conflict resolution like arbitration, mediation, negotiation and facilitation that are useful in their task of sustaining the ceasefire in Mindanao. This year, The Foundation and IBS have incorporated courses on the nature of conflicts and conflict management in these briefings to provide the peace monitors with a more holistic appreciation of the conflicts in Mindanao.
- From January to June 2006, the results of the *rido* study were cited in various articles written by Reuters' staff and published online. These were picked up by the following online sites: Wired News (Lycos), Indigo, Reuters AlertNet, XtraMSN (New Zealand), Yahoo! UK & Ireland, Yahoo! Singapore News, ABC News, Yahoo! Asia, Reuters (UK), ABS-CBN.COM, Channel NewsAsia, Reuters India, Yahoo! Asia, Yahoo! Singapore, Television New Zealand (web), Reuters AlertNet, San Diego Union-Tribune and Navhind Times (India). The articles cited the support provided by The Asia Foundation and US Agency for International Development on the *rido* studies.
- The Foundation is in the process of editing a forthcoming book on *rido*. The publication is based on the 2004 coordinated study on clan conflicts conducted by Mindanao-based civil society organizations and academic institutions.² The publication, scheduled to be completed by October 2006, will inform the general public about the results of the ground-breaking research, help increase awareness about these conflicts and their difference from other forms of conflict in Mindanao, and provide valuable information that will help policy makers and practitioners in designing strategic interventions.

Addressing Community Conflicts over Natural Resources

² A considerable amount of material has been put on the web:
http://www.asiafoundation.org/Locations/Philippines_conflict.html

In the Philippines, natural resources conflicts not only divide and disrupt communities, they can also lead to violent confrontations with the government. These conflicts hamper productivity, investment, economic growth, and may in some cases lead to armed insurgency. To address community conflicts over natural resources, the Foundation supports NGOs that assist in strengthening the capacity of the national government's resource management departments, promote negotiation coaching among communities, and support conflict management strategies for multiple-stakeholder conflicts.

Highlights (1 January – 30 June 2006)

- The Foundation, in partnership with the Notre Dame College of Jolo's Community Extension Service, organized a culminating activity on April 18, 2006 to celebrate the gains made by the community-based peace program implemented by Notre Dame under the Conflict Management project. The peace program aimed to address marine resource conflicts arising from the use of sea space such as seaweed farming, fishing, and aquatic foraging. About 138 people representing provincial, municipal and barangay officials, media, and non-government organizations attended the event. Dr. Steven Rood, Philippine Country Representative, was interviewed by DXMM after the activity to speak about the project and other initiatives in Mindanao.
- From January to June, the Environmental Legal Assistance Center (ELAC) focused on brainstorming about options and solutions to manage conflicts over natural resources, and also on the implementation of the identified solutions to reduce or eliminate the conflict in the project sites.
 - § In Buenavista, Coron, Palawan, an inter-stakeholders meeting was conducted on March 25, 2006 to discuss the action plan which resulted from a previous conflict management seminar conducted in 2005. The meeting was participated in by the council of elders of the Tagbanua tribe. ELAC also met with an NGO implementing a project in the area for possible collaboration to resolve the conflict between the Tagbanuas and a private company which is planning to construct a shipyard within the ancestral domain of the Tagbanuas.
 - § In Malaking Patag, Culion, Palawan, the community consultation, information, and education campaigns enabled residents to become involved in the issues and concerns affecting resource management in the area. ELAC organized the installation of mooring buoys designed to demarcate the marine sanctuary, to comply with the action plan formulated during the conflict management training. A guard house was also constructed in June out of funds contributed by the local government for the effective protection of the marine sanctuary. ELAC also conducted a marine youth camp to enhance the leadership skills of the youth leaders affiliated with local people's organizations and increase their awareness of the issues and concerns affecting their community.

- § In Lipayran, Cebu, a proposed fishery reserve and sanctuary was formally approved by the Sangguniang Bayan (municipal council) of Bantayan through the efforts of ELAC under this project. ELAC had overseen this process which involved various stakeholders in the analysis on the implementation of the ordinance. Other proposed activities in compliance with the ordinance are: a seminar on tenurial security options, an information drive on the Marine Protected Area ordinance, ecology-based governance training, and a dialogue with fishermen and seaweed farmers. ELAC also noted the amicable settlement of cases involving first-time offenders, and supervised the construction of a floating guardhouse in January 2006 to support the enforcement efforts of the barangay and the people's organization. A series of meetings, including an organizational assessment, was conducted involving barangay officials from adjacent barangays.
- § In Mabini, Bohol, ELAC conducted community visits to coordinate with the municipal government offices and partner people's organizations on the proposed activities at the project site. A series of meetings and consultations with the Department of Environment and Natural Resources (DENR) and Bureau of Fisheries and Aquatic Resources (BFAR) representatives finally pushed through to coordinated actions regarding the controversial fishpond development. Subsequent inspections and a survey of the contested area were held after the consultations. The result of the ocular inspection and survey will help clarify the issue of which national government agency has jurisdiction over the contested site, and hopefully pave the way for the resolution of the conflict in the area. ELAC also conducted an environmental youth camp and mangrove planting activity to develop awareness among the younger generation about the importance of the conservation efforts in the area. The activity was conducted with counterpart funds from the Usbong Project of the Ford Foundation.
- After the series of capability building trainings organized by the UP Social Action for Research and Development Foundation (UPSARDF), Inc., existing conflict resolution structures such as the *Lupong Tagapamayapa* (Peace Council) have been strengthened by the participation of community leaders and municipal and barangay officials. The series of trainings were conducted by longtime Foundation partners: MEDNET, Tanggol Kalikasan, and CO-Multiversity sa Mindanao.
- § As an output of the participatory conflict mapping activities conducted in the months of January and February, three issues were prioritized: (1) pollution in the coastal waters; (2) over proliferation of fishing structures (fish pens and fish cages); and (3) improper use of fishing nets (the use of triple or trammel nets). All three are currently going through local conflict resolution structures, and Foundation partners are in the process of finding the best alternative solution among conflicting parties.

- § During the past semester, UPSARDF has organized community validations and Information Education and Communication (IEC) strategies in selected barangays of Anda, Pangasinan. Fish cage owners/operators, trammel net users, barangay councils, people's organization members, Municipal People's Organization Federation, as well as representatives from the local government units actively participated in the various information and education campaigns. As a result, community members have decided to discontinue the use of highly-effective, but destructive fishing gear, such as the trammel net.³ To assist communities in shifting to more environment-friendly fishing practices, the Macaleeng-Samahang Multisektoral ng Barangay (Maca-SMB) has expressed their willingness to provide a loan, without interest, as well as seaweed seedlings to fisherfolks who are willing to discard the trammel nets, and start their own seaweed cultures. Due to this development, it was agreed that IEC activities should be aggressively implemented to increase fisherfolks' awareness of the importance of coastal resource management and conflict management. Different barangay councils have committed to lead the IEC campaigns with the help of people's organizations, local government units, and UPSARDF.
- § In the course of capacity building activities and application through actual conflict management, the community partners of UPSARDF appreciated the new knowledge imparted by the resource persons and realized the importance of incorporating conflict management in Community Based Natural Resource Management (CBNRM), as well as the advantage of combining conflict mapping with participatory rural appraisal as an effective tool in managing conflicts.
- Tanggol Kalikasan's project on "Capacitating Communities, LGUs, and NGAs on Negotiation Coaching and Alternative Dispute Resolution," which intends to balance the negotiation table between conflicting parties has frequently organized capacity building trainings for non-government organizations and local leaders in various project sites. Activities completed within the reporting period include:
 - § From January to May 2006, seven Introductory Courses on Alternative Dispute Resolution were conducted for 365 barangay officials in the province of Quezon. This has brought the total ADR courses conducted to 15, thereby completing this project component. In all of the trainings, TK emphasized the importance of the course for barangay officials in managing conflicts in their respective barangays. Training participants signified interest in the ADR process, since conflict management is a function under the Katarungang

³ A trammel net consists of two or three layers of netting with a slack small mesh inner netting between two layers of large mesh netting within which fish will entangle. These nets are strings of single, double or triple netting walls kept more or less vertical by floats on the head rope and mostly by weights on the ground rope. These are occasionally set in strings. Source: <http://www.fao.org/figis/servlet/geartype?fid=223>

Pambarangay Law. They agreed that alternative dispute resolution could be a more practical and less adversarial means of resolving conflict.

- § On February 1-3, 2006, a workshop on “Environmental Conflict Resolution and Management for Selected National Government Agencies” was held for 30 participants coming from the Bureau of Fisheries and Aquatic Resources (BFAR), Mines and Geosciences Bureau (MGB), the Environmental Management Bureau, the Protected Areas and Wildlife Bureau (PAWB), and the Department of Environment and Natural Resources (DENR) of Regions 1, 2, IV-A, IV-B, V, and Central Offices. The training provided participants with Alternative Dispute Resolution (ADR) principles and processes which they can apply in the actual resolution of environmental and natural resource conflict. The participants expressed that the training provided valuable insights on the various ADR processes, citing however, the need to observe actual resolution of cases for better appreciation of the value of ADR.
- § Tanggol Kalikasan has started writing the documentation for ten negotiation coaching cases to be included as learning guides for practitioners. The drafts will be submitted by the end of July 2006 for further editing.
- § The source book and primer on ADR is undergoing major changes and the topics on negotiation coaching. The manuscript is currently undergoing editing and lay-outing to make it into a more user-friendly.

Insights, Opportunities, and Next Steps

The Shariff Aguak Incident concretely illustrates the important contribution of the *rido* study and briefings supported by The Asia Foundation and USAID towards a more nuanced understanding of conflicts in Mindanao (i.e. the interplay of small scale and large scale conflicts), leading to appropriate action.⁴ This incident sparked a major armed confrontation between paramilitary forces under a political clan and some elements of the MILF. The hostilities underscore the potential of third party actors, such as local governments and politicians, to frustrate negotiations. Such a potential constitutes a major challenge to the peace process and to the efforts the Joint CCCH, the IMT, and civil society groups. To contain the violence, a buffer zone was jointly established in Maguindanao by the government, MILF, and civil society networks. This attests to the necessity of a network of an empowered and well-informed civil society and joint peace monitors. The growing awareness of conflict dynamics, the increasing realization of the critical role of civil society in peace processes, as well as the innovative mechanisms established through trial and error, provide important insights into the evolution and stepwise refinement of conflict management on a wider strategic level.

⁴ On June 23, 2006, a bomb exploded in Shariff Aguak allegedly intended for the Maguindanao Governor, killing 7 members of his convoy. This incident triggered a month-long armed conflict that displaced thousands of families and endangered the peace process between the Government and the MILF. To contain the violence, a buffer zone was jointly established by the GRP and the MILF (Bantay Ceasefire Report 2006).

Following the successful examples in containing the Shariff Aguak conflict, the establishment of similar mechanisms such as community-based, community-initiated conflict monitoring and rapid response mechanisms will help in the prevention, escalation, and resolution of violent conflicts whether caused by clan conflicts or resource-related conflicts. This can be achieved by building the capacities of leaders and mediators in managing conflicts (combining applicable indigenous and non-indigenous practices), and supporting the formation and networking of peace councils, council of elders, taskforces, hybrid groups of local government and traditional leaders, and inter area-formations (i.e. adjacent municipalities and barangays) that can help resolve conflicts. It is also imperative that such lessons and initiatives are transmitted to areas in Mindanao where civil society is weaker. It is important that such initiatives should strive to achieve coordinated action and collaboration among various players, particularly in Sulu where various peace and development efforts show a lack of a more unified interaction.

As mentioned in previous reports, the strength and broad experience of civil society in Central Mindanao is an important resource that offers many possibilities in addressing conflicts not only in Mindanao but throughout the Philippines. In comparing conflicts and conflict management among partners in Mindanao on the one hand, and partners from Luzon and Visayas on the other, it is observed that there are marked differences in approaches and outcomes. While conflict management in the three regions seem to utilize a combination of formal and informal systems (such as the *adat* or customary laws and the more formal *katarungan pambarangay* or barangay justice), those in Mindanao seem to occur more within the rubric of personal and kinship ties, honor, prestige, local knowledge and belief systems and under the context of repairing or restoring damaged relationships.

In Luzon and Visayas, the conflict management processes being utilized by partner alternative law and environmental groups, while utilizing ADR processes, also employ legal tactics such as the filing of charges that accompany the ADR processes, or the legal defense of indigenous people, rather than mediation. Partner communities and NGOs that have received trainings from alternative law groups greatly appreciate the broader contextual information on the state of the environment and on existing laws dealing with the environment and natural resources, while equally realizing their need for paralegal knowledge and skills. Meanwhile, the methods of the alternative law groups managing conflicts in Luzon and the Visayas can also greatly benefit from the experience of Mindanao partners that utilize a combination formal and indigenous conflict resolution bodies and mechanisms that are more inclined toward restoring damaged relationships. For example, in one engagement of CO-Multiversity Mindanao with UPSARDF community partners in Anda, Pangasinan, CO-Multiversity imparted the wisdom of not only focusing on the conflict creating aspects, but also on the peace creating aspects of initiatives that can be undertaken by the community.